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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,376	12/13/2001	Piergiorgio Teruggi	MARIETTI-06724	8606

7590

05/28/2003

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EXAMINER

EL ARINI, ZEINAB

ART UNIT

PAPER NUMBER

1746

DATE MAILED: 05/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/018,376

Applicant(s)

TERUGGI ET AL.

Examiner

Zeinab E. EL-Arini

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 14, "of the type" is indefinite term.

In claim 1, line 1, "of the type comprising" is indefinite and confusing term, because it is not clear if said term refers to the plastic material or to the plant. Also at line 7, "including" is confusing term, because it is not clear if said term refers to "washing fluid flow" or to "a plant". At line 7, "the time" and at line 8, "the quantity", and "the same moment" are all without proper antecedent basis.

In claim 3, line 3, "the current" and "the motor" are without proper antecedent basis.

In claim 4, line 2, "the speed" lacks antecedent basis.

In claim 9, line 2, "the temperature" lacks antecedent basis.

In claim 10, line 2, "the pH" lacks antecedent basis.

In claim 11, lines 2-3, "the aqueous solution" lacks antecedent basis.

In claim 12, line 2, "heat exchanger" lacks antecedent basis.

In claim 14, line 1, "the feeding", at line 2, "the withdrawing", at line 4, "the regulation", "the time", and at line 5, "the quantity", are all without antecedent basis.

At line 3, "characterized" is confusing term, because it is not clear if said term refers to "washing fluid" or to "method".

In claim 16, line 2, "the speed" lacks antecedent basis.

In claim 18, line 1, "the purification" lacks antecedent basis. Claim 18 is confusing and cannot be understood.

Claim 19 is confusing and cannot be understood. At line 1, "the control", at lines 1, 2, "the temperature", and at line 2, "filtering unit", are all without proper antecedent basis.

Claim 20 is confusing and cannot be understood. At line 1, "the control", "the pH", at line 2, "the addition", and at line 3, "filtering unit", are all without proper antecedent basis.

In claim 21, line 2, "the flow" lacks antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buzga et al. (4,073,661) in combination with EP 056 437 (EP'437).

Buzga et al. teach a continuous process for cleaning comminuted plastic material. Buzga et al. teach the washing apparatus equipped with rotating stirrer and containing a washing fluid, filtering unit, means for feeding said comminuted plastic material, means for withdrawing said comminuted plastic material, and a plurality of conduits as claimed. See the abstract, Figs. 1-3, col. 2, lines 39-43, col. 3, line 24-col. 6, line 62, col. 7, line 25- col. 10, line 28, and claim 1. Buzga et al. also teach that the necessary time at which comminuted particles have to remain in the washing zone is determined by the degree of soiling of the comminuted particles and the speed at which soluble foreign particles clinging to the comminuted plastic particles may be dissolved in the washing solution. The reference also teaches that by adjusting the number of revolutions per minute of the shaft, the time at which the comminuted particles will remain in the washing solution and the rate of travel of the comminuted particles through the container may thus be adjusted in any desired manner. See col. 5, lines 41-62. The reference also teaches the washing process as claimed. See the document in general.

Buzga et al. teach all limitation with the exception of means and step of continuously varying the time the scales remain in the washing apparatus as a function of the quantity of scales contained at the same moment in said apparatus as claimed.

EP'437 discloses a washing apparatus. The reference teaches that it is suggested to vary the washing time in accordance with the amount of material to be washed in the apparatus. See the second paragraph on page one.

It would have been obvious for one skilled in the art at the time applicants invented the claimed invention to use the step and means for varying the time said material remain in said washing apparatus as a function of the quantity of the material contained in said apparatus taught by EP'437 in the Buzga et al. apparatus and process to obtain the claimed invention. This is because Buzga et al. teach that the time at which the comminuted particles will remain in the washing solution may be adjusted in any desired manner. See col. 5, lines 58-62.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zeinab EL-Arini whose telephone number is (703)308-3320. The examiner can normally be reached on Monday- Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (703)308-4333. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9310 for regular communications and (703)872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

Zeinab Elarini

ZEE
May 23, 2003

**ZEINAB EL-ARINI
PRIMARY EXAMINER**